

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN P. DALTON, SR.	:	
o/b/o JOHN P. DALTON, JR. (deceased)	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 03-3030
	:	
JO ANNE B. BARNHART,	:	
COMMISSIONER OF SOCIAL SECURITY	:	
Defendant.	:	

ORDER

AND NOW, this 17th day of October, 2005, upon consideration of the parties' Motions for Summary Judgment (Docs. 14 & 15), and after careful review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter (Doc. 21), **IT IS HEREBY ORDERED AND DECREED** that the Report and Recommendation dated August 31, 2005, is **APPROVED** and **ADOPTED**. This matter is **REMANDED** to the Commissioner of the Social Security Administration in accordance with the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation of the United States Magistrate Judge Thomas J. Rueter.

BY THE COURT:

/S/ **Petrese B. Tucker**

Hon. Petrese B. Tucker, U.S.D.J.